

11/07/01
J0685 U.S. PTO

12-07-01

A
Box 567

Attorney Docket P0530P1C10
PATENT

CERTIFICATION UNDER 37 CFR 1.10

EL 889 332 635 US Express Mail Number November 7, 2001: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Aida Guian
Aida Guian

J1036 U.S. PTO
10/005675
11/07/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Steven Shak

Title: **ANTI-INFECTIVE THERAPY**

1. Type of Application

- ☐ This application is for an original, non-provisional application.
- ☐ This is a non-provisional application claiming priority to provisional application no. __, filed __, the entire disclosure of which is hereby incorporated by reference.
- ☒ This is a continuation application claiming priority to application Serial Numbers 09/669,306, filed September 25, 2000, which is a continuation of Serial Number 08/761,578, filed December 9, 1996, which is a continuation application of Serial Number 08/528,876, filed September 15, 1995, now abandoned, which is a continuation of 08/117,584, filed September 3, 1993, now abandoned, which is a divisional of 07/914,226, filed 13 July 1992, now abandoned, which is a continuation application of 07/448,038, filed December 8, 1989, now abandoned, which is a continuation-in-part of 07/289,958, filed December 23, 1988, now abandoned, which applications priority is claimed under 35 USC § 120, the entire disclosure of which is hereby incorporated by reference.

2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional)

55 pages of specification
4 pages of claims

10005675-110701

1 page(s) of abstract
 16 sheet(s) of drawings
☐ formal ☒ informal

3. Declaration or Oath

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)
 An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)
 X A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)
 A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. Assignment

(for new and CIP applications)
 An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☐ will follow.

(for cont./div.)
 x The prior application is assigned of record to Genentech, Inc.

5. Amendments (for continuation and divisional applications)

 X Cancel in this application original claims 1-27, and 30-34 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

 X Entry of the Preliminary Amendment in the prior application filed on September 25, 2000 is respectfully requested.

 A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

 X Amend the specification by inserting before the first line the sentence:

--This is a

 non-provisional application
 x continuation

TECOT 529500F
1000567-10091

☐ divisional
☐ continuation-in-part

of co-pending application(s)

- ☒ Serial No. 09/669,306, filed September 25, 2000, which is a continuation of Serial Number 08/761,578, filed December 9, 1996, which is a continuation application of Serial Number 08/528,876, filed September 15, 1995, now abandoned, which is a continuation of 08/117,584, filed September 3, 1993, now abandoned, which is a divisional of 07/914,226, filed 13 July 1992, now abandoned, which is a continuation application of 07/448,038, filed December 8, 1989, now abandoned, which is a continuation-in-part of 07/289,958, filed December 23, 1988, now abandoned, which applications priority is claimed under 35 USC § 120, the entire disclosure of which is hereby incorporated by reference. --
- ☐ International Application _ filed on _ which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--
- ☐ provisional application No. _ filed _, the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.--

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$740.00
Total Claims	5	- 20 =	0	X \$18.00	\$0.00
Independent Claims	5	- 3 =	0	X \$84.00	\$168.00
Multiple dependent claim(s), if any				+ \$270.00	\$0.00
Filing Fee Calculation					\$908.00
					\$740.00

7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$.
A duplicate copy of this transmittal is enclosed.

10005675-10001

8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

9. Additional Papers Enclosed

- ☒ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- ☒ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☒ Copy of Power of Attorney or authorization of agent from the prior application.
- ☒ Other: Limited Recognition Under 37 C.F.R. § 10.9(b).

10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

- _____ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- X A copy of the petition for extension of time in the **prior** application is attached.

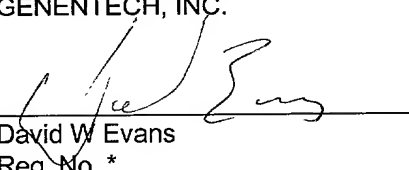
11. Correspondence Address:

- X Address all future communications to:

Attn: David W Evans

Respectfully submitted,
GENENTECH, INC.

Date: November 7, 2001

By: 
David W Evans
Reg. No. *
Telephone No. (650) 225-1739



09157

PATENT TRADEMARK OFFICE

*A copy of a document pursuant to 37 C.F.R. § 10.9(b) is attached as proof of the authorization of the above to prosecute the attached application. The original of this document is on file in the Office of Enrollment and Discipline.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of Steven Shak</p>	<p>Group Art Unit: 1651 Examiner: WITZ, J.</p>
<p>Serial No.: To Be Assigned (Continuation Appln of USSN 09/669,306 Filed 09/25/00) Filed: November 7, 2001 For: ANTI-INFECTIVE THERAPY</p>	<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 November 7, 2001 <i>Aida Guian</i> Aida Guian</p>

CERTIFICATE RE: SEQUENCE LISTING

BOX SEQUENCES

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I hereby state that the Sequence Listing submitted herewith is submitted in paper copy and a computer-readable diskette, and that the information recorded in computer readable form is identical to the written sequence listing. I further state that this submission includes no new matter.

Respectfully submitted,

GENENTECH, INC.

Date: November 7, 2001

By: *David W Evans*
David W Evans
Reg. No. *
Telephone No. (650) 225-1739



09157

PATENT TRADEMARK OFFICE

*A copy of a document pursuant to 37 C.F.R. § 10.9(b) is attached as proof of the authorization of the above to prosecute the attached application. The original of this document is on file in the Office of Enrollment and Discipline.

100567-110701
FOOT 525000